



Paper No. 37

Chiron Corporation
Intellectual Property - R440
P.O. Box 8097
Emeryville CA 94662-8097

COPY MAILED

OCT 09 2003

OFFICE OF PETITIONS

ON PETITION

In re Application of
Duhl, et al.
Application No. 09/602,597
Filed: June 22, 2000
Attorney Docket No. 1568.002/200130.472
For: HUMAN CHROMOSOME 16
PLASMOLIPIN-LIKE POLYPEPTIDE

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed September 17, 2003, to revive the above-identified application.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

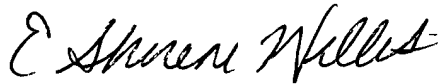
The above-identified application became abandoned for failure to file an appeal brief in triplicate following the May 2, 2002 filing of a Notice of Appeal (and amendment and affidavit). On May 31, 2002, the Office mailed an Advisory Action informing petitioner that the May 2, 2002 submissions did not place the application in *prima facie* condition for allowance. On October 17, 2002, an Examiner interview occurred in which no agreement with respect to the claims was reached. On November 4, 2002, petitioner submitted a request for a four month extension of time and required fee and another amendment. Unfortunately, this amendment was not reviewed until after the extended period for response expired. On February 13, 2003, the Office mailed an Advisory Action that informed petitioner that the November 4, 2002 amendment failed to place the application in *prima facie* condition for allowance. Since there were no allowed claims, the application became abandoned as of the date the brief was due. The above-identified application became abandoned on November 5, 2002, which is the day following the expiration of the original two month period for reply set by the filing of the Notice of Appeal plus the four month extension of time bought on November 4, 2002. On March 11, 2003, the Office mailed a Notice of Abandonment. A petition to revive the above-identified application under 37 CFR 1.137(a), and in the alternative, under 37 CFR 1.137(b), was filed on July 10, 2003. These petitions were dismissed on July 25, 2003.

Applicants have submitted a reply in the form of a RCE and amendment, a statement of the unintentional nature of the delay in filing an acceptable follow-up submission to the May 2, 2002 Notice of Appeal, and the petition fee.

The petition under 37 CFR 1.137(b) is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center 1600 for further examination.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is fluid and cursive, with the first letter "E" being large and stylized.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

cc: JANE E. R. POTTER
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE WA 98101-1688